

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HECTOR R. VILA,
Sramineus Homo, US Vessel

No. C-08-0438 MMC

Libellant,

v.

**ORDER DISMISSING PETITION;
DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS**

KERRY K. KILLINGER
WASHINGTON MUTUAL, US Vessel DOES,
ROES, and MOES 1-100, et al.,
US Vessel sand

Libellees,

HECTOR: R. VILA
Lien Holder of the Vessel, the Real Party
In Interest, Lawful Man
Injured Third Party Intervenor/ Petitioner/
Libellant,

v.

KERRY K. KILLINGER
WASHINGTON MUTUAL, U.S. Vessel,
DOES, ROES, and MOES 1-100, et al.,
US VESSELS

INDIVIDUALLY AND SEVERALLY
Third Party Defendants/Libellees

Before the Court is Hector R. Vila's ("Vila") application to proceed in forma pauperis
and "Petition for Libel of Review of an Administrative Judgment," both of which were filed

1 January 22, 2008.

2 Pursuant to 28 U.S.C. § 1915(e), where a party seeks to proceed in forma pauperis,
3 the district court must dismiss the complaint if the court determines that the complaint is
4 frivolous or malicious, or that the party has failed to state a claim upon which relief can be
5 granted. See 28 U.S.C. §§ 1915(e)(2)(B)(i), (ii).

6 Here, Vila's complaint falls within the category of pleadings identified in
7 §§ 1915(e)(2)(B)(i) and (ii). Vila, an individual who has named another individual and a
8 lending institution as defendants, alleges "all parties are U.S. Vessels and fit the legal
9 definition of a U.S. Vessel," "[t]he cargo is shipped via U.S. Postal Service and all parties
10 are subject to the Postal Codes in this instant action," and additional allegations of a similar
11 nature. Vila fails, however, to allege any facts that could state a claim under either state or
12 federal law. Further, and contrary to the title of Vila's pleading, Vila fails to allege the
13 existence of an administrative decision, let alone a decision that a court has jurisdiction to
14 review.

15 Accordingly, the instant complaint is hereby DISMISSED, pursuant to 28 U.S.C.
16 § 1915(e)(2)(B), and Vila's application to proceed in forma pauperis is hereby DENIED as
17 moot.

18 The Clerk shall close the file.

19 **IT IS SO ORDERED.**

20
21 Dated: January 24, 2008


MAXINE M. CHESNEY
United States District Judge